

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1532 - HB 1996

March 12, 2011

SUMMARY OF BILL: Requires a criminal court immediately to order a person acquitted of a criminal charge by reason of insanity to be evaluated on an outpatient basis. Authorizes a court to order a person who is acquitted of a criminal offense against a person by reason of insanity at the time of commission of the offense, and who is being detained at the time of acquittal, to remain in custody after the verdict to receive an outpatient mental health evaluation. Requires the evaluation to be completed within 30 days of receipt of the court order by the examining professional.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Currently the criminal court must order the person to be diagnosed and evaluated on an outpatient basis. The evaluation is performed by the community mental health agency or a licensed private practitioner designated by the Commissioner of Mental Health.
- According to the Department of Mental Health, in FY09-10, there were 26 offenders who were detained at the time of their acquittal and were ordered to undergo an outpatient evaluation. According to the Department, that number will remain relatively constant.
- The fiscal impact will not be significant and any costs of continued detention will be offset by savings from not being required to serve warrants or orders for outpatient evaluations on persons already released into the community.
- Many courts already detain individuals without this express authority.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

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